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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,712	12/05/2001	Kazuo Hiraguchi	Q67023	7134

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EXAMINER

BUI, LUAN KIM

ART UNIT

PAPER NUMBER

3728

DATE MAILED: 01/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

NK

Office Action Summary	Application No. 09/980,712	Applicant(s) HIRAGUCHI ET AL.	
	Examiner Luan K Bui	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____. |

Information Disclosure Statement

The information disclosure statement filed 10/7/2002 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file and has been considered for this office action. However, Applicant is required to provide a form PTO-1449 with a list of all patents, publications, or other information submitted for the Examiner to consider.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 18, the phrase "said bottom plate" is inaccurate and indefinite. It should be replaced with --said cover plate--.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by the Japanese Patent No. 9-169383 (hereinafter JP'383). JP'383 discloses in the embodiment of Figure 6, a

Art Unit: 3728

storage case comprising a storage part (42) having a bottom plate and inner walls and a cover part (42) hingedly connected to the bottom plate having a cover plate (43a) and outer walls (46) and at least one pair of ribs (52) disposed on the neighboring portions of the connecting portions between the cover plate and the outer walls for storing an information sheet.

3. Claims 9-11 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by the Weisburn et al. (5,597,068; hereinafter Weisburn'068). Weisburn'068 discloses a storage case (1) comprising a storage part (2), a cover part (10) and a hinge part (11) for connecting together the storage part and the cover part having one or more ribs (40-47). The case of Weisburn'068 is inherently capable of storing a magnetic tape cassette and the ribs are capable of holding an information sheet therein.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. 9-169383 (hereinafter JP'383) in view of Japanese Utility No. 149872 (hereinafter JP'872). JP'383 discloses in the embodiment of Figures 1-5, a storage case comprising a storage part (2) having a bottom plate and inner walls and a cover part (3) hingedly connected to the bottom plate having a cover plate (3a) and outer walls (9) and a rib (13)

Art Unit: 3728

disposed on the neighboring portions of the connecting portions between the cover plate and the outer walls for storing an information sheet (12). JP'383 also discloses the other claimed limitations except for a pair of ribs in lieu of the rib. JP'872 shows a storage case comprising a storage part (11) having at least a pair of ribs (12) for holding an information sheet (17). It would have been obvious to one having ordinary skill in the art in view of JP'872 to modify the case of JP'383 so the rib comprises at least a pair of ribs for holding the information sheet for better securing the sheet within the case.

6. Claims 2 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Mallery (5,697,497). JP'383 further fails to show the ribs being disposed substantially over the entire areas of the connecting portions. Mallery shows a storage case having at least a pair of ribs (116-122) disposed substantially over the entire areas of the connecting portions between the cover plate and side walls for holding a booklet. It would have been obvious to one having ordinary skill in the art in view of Mallery to modify the ribs of JP'383 as modified so the ribs is disposed substantially over the entire areas of the connecting portions for better securing the information sheet within the case. As to claim 5, a back cover of the booklet of Heln'301 which engaged the ribs which is considered equivalent to a sheet-shaped member as claimed and a front cover of the booklet is considered equivalent to an information sheet as claimed.

7. Claims 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisburn et al. (5,597,068; hereinafter Weisburn'068). Weisburn'068 discloses a storage case (1) comprising

Art Unit: 3728


a storage part (2), a cover part (10) and a hinge part (11) for connecting together the storage part and the cover part having one or more ribs (40-47). Weisburn'068 fails to show the ribs comprises a pair of ribs as recited in claims 12-15 and 17. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ribs of Weisburn'068 so the ribs comprises a pair of ribs each having two parallel flat plates having mutually opposed, convexly curved surfaces or the rib having a rectangular section and disposed substantially over the entire areas of the hinge part because the selection of the specific shape for the ribs such as the one as claimed would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well and inasmuch as applicant's specification does not state that using these specific shapes as claimed solves any particular problem or yields any unexpected results.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (703) 305-5861. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148. Facsimile correspondence for this application should be sent to (703) 305-3580 or (703) 872-9302 for Formal papers and (703) 872-9303 for After Final communications.

lkb
January 13, 2003



Luan K. Bui
Primary Examiner